IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3212 OF 2006

Shri Praful Vishnu Kurne
and anr. ..Petitioners

Vs.

Shri Namdeo Sadashiv Shinde
and ors. ..Respondents

Mr. S.M. Sabrad for petitioners.

CORAM: B.H. MARLAPALLE, J.

Date : July 10, 2006.

P.C.:

1. Heard Mr. Sabrad the learned counsel for the petitioners-original defendants. The learned Judge of the trial court was pleased to allow the application at Exh.5 for temporary injunction filed in Regular Civil Suit No.6 of 2005 and the said order was challenged in Civil Misc. Appeal No.94 of 2005. The learned Additional District Judge at Niphad was pleased to dismiss the appeal on 1/12/2005 and hence this petition.

2. Both the courts below have considered the

Court Commissioner’s report and held prima facie case in favour of the plaintiffs. These concurrent findings do not suffer from any error apparent on the face of the record and, therefore, the challenge raised in this petition is devoid of merits.

3. The petition is rejected summarily and it is made clear that the pending suit will be decided on its own merits and without being influenced by any observations made by the courts below in the impugned orders. Trial of the suit is expedited.

(B.H. Marlapalle,J.)